



**Department of
Rehabilitation & Correction**

Mike DeWine, Governor
Annette Chambers-Smith, Director

May 10, 2021

Office of Ohio Attorney General Dave Yost
Criminal Justice Section
30 East Broad Street
23rd Floor
Columbus, OH 43215

Dear Attorneys:

We write to inform you about recent changes in our Department's procedures for managing certain interactions between attorneys, their incarcerated clients and the Ohio Department of Rehabilitation and Correction (DRC) staff.

Enclosed for your review, is a document containing information about the following topics:

- COVID-19 protocols for attorney visitation;
- the availability of unrecorded attorney telephone calls from an incarcerated individual's GTL tablet;
- upcoming changes to how legal mail will be accepted and processed by DRC; and
- an overview of how to request records from DRC.

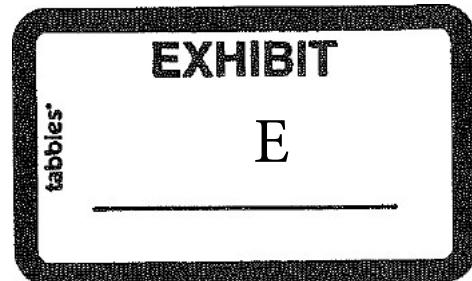
This document will also be available on DRC's website www.drc.ohio.gov under the "Family" section in the "Tools" menu.

If you have any questions about these topics, please let us know. Questions about policies and procedures of a specific institution can be directed to the Warden of that institution. You may also call DRC Legal Services at 614-752-1765 or the DRC Constituent Affairs Section at 614-752-1161.

Sincerely,

JK Lowe,

Jocelyn Lowe
Assistant Chief Counsel



VISITATION PROCEDURES

Attorney visitation has never been closed at any ODRC facility. Attorneys should follow the normal procedure to request and schedule a visit with a client. We will ask attorneys who wish to visit multiple clients in one visit to first ensure those clients are all in the same cohort to prevent cross-contamination.

Upon arrival for the visit, each person shall submit to a COVID-19 antigen test, have their temperature checked, and respond to questions presented for symptom screening. All visitors, including attorneys, must wear a mask provided by the institution throughout the visit. Visits are non-contact with a physical barrier present between the incarcerated individual and the attorney. Requests to have the physical barrier removed may be presented to the managing officer for consideration.

Before arriving for your visit, please inform the institution if you would like to bring in any items, including legal paperwork or electronic devices. The institution may require items undergo security screening before being permitted in the institution. Recording (including photography, audio recording, and video recording) is not permitted in DRC facilities without the prior permission of the managing officer.

We ask that you visit with your clients in person. Confidential video visits are reserved for court hearings and medical visits. The use of confidential video visits by attorneys should be limited to urgent situations where an in-person visit or GTL tablet phone call is unavailable. The managing officer of the institution has the discretion to decide whether a confidential video visit will be permitted and to set the date, time, and length of that visit.

ATTORNEY PHONE CALLS

If your client has a GTL tablet, he or she may ask their case manager to "whitelist" your phone number, so that telephone calls with you will be permitted. Whitelisting is NOT available for phone numbers of friends and family members. Once your phone number has been whitelisted, your client can make a free, unrecorded phone call to you from their GTL tablet. The whitelist of phone numbers is specific to each incarcerated individual, so each of your clients must individually request to have your phone number added to their own whitelist.

Phone calls are time-limited, but the individual can call back immediately and can call multiple times. You may be contacted by an ODRC employee and asked to confirm your identity and phone number before your number will be whitelisted for that individual. Please keep in mind the phone number provided must be answered by a person. The GTL tablets will not permit individuals to work through automated voice prompts or option menus.



NEW LEGAL MAIL PROCEDURES

Our agency will soon be changing how we receive and process legal mail in order to minimize the risk of misuse of legal mail to convey contraband into our institutions.

On June 1, 2021, we will begin allowing legal services entities and attorneys who wish to send legal mail to an individual incarcerated to register their name and contact information on the ODRC website. Our staff will verify that the individual seeking registration is either an actively licensed attorney or working under the direct supervision of such licensed attorney. Legal services entities, such as law offices, law firms, legal clinics, and courts will be able to register to receive a Group Registration Number. Legal services entity administrative staff will also be able to register to affiliate their individual email addresses with the Group Registration Number. The identity and affiliation of each person, whether attorney or administrative staff, will be verified using the Ohio Supreme Court Attorney Directory or an equivalent resource for attorneys not licensed in Ohio. This verification may include a phone call or email to confirm the identity of the individual and the associated email address maintained in our database.

Starting on July 1, 2021, all ODRC institutions will only process Legal Mail if the sender has printed or written a legitimate control number on the envelope of each piece of Legal Mail.

The control numbers will be available through a website that will generate a unique control number for each piece of Legal Mail. To access the website and receive a control number, each individual or legal services entity must have completed the registration and verification process. Once generated, the control number should be printed or written on the outside of the envelope by the sender. At the institution, a member of the mailroom staff will verify the legitimacy of the control number. If verified, staff will take the Legal Mail to the recipient, where it will be opened and inspected for contraband in front of them. The contents of the Legal Mail will be provided to the recipient and the envelope (with control number) will be destroyed to prevent misuse, such as duplicating or forging control numbers.

Additional details about the registration process will be provided in May. In the meantime, please contact us at DRC.Legalmail@odrc.state.oh.us if you have questions about these changes.



SUBPOENAS AND COURT ORDERS FOR DRC RECORDS

Service should be effectuated according to the applicable rules of court and can be made at the front desk or entry building of DRC facilities.

Certain records require a court order or release signed by the individual, including medical and mental health records, recovery services records (substance abuse diagnosis and treatment), and records listed in R.C. 5120.21(D).

A subpoena or court order for incarceration records of individuals currently incarcerated at a DRC institution should be served at the inmate's current institution.

A subpoena or court order for records of individuals who are currently under APA supervision should be served at the APA regional office to which the individual reports.

A subpoena or court order for incarceration records of individuals released from custody and/or supervision should be served at the ODRC Operation Support Center, c/o Bureau of Records Management, 4545 Fisher Rd. Suite D, Columbus, OH 43228.

A subpoena or court order for a current ODRC employee should be served at the institution where the individual regularly works.

A subpoena or court order for a current APA employee or a former employee should be served at the ODRC Operation Support Center, c/o Human Resources, 4545 Fisher Rd. Suite D, Columbus, OH 43228.

